

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEBRA A. LESNIAK,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 04-74735
Hon. Gerald E. Rosen
Magistrate Judge Wallace Capel, Jr.

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 31, 2006

PRESENT: Honorable Gerald E. Rosen
United States District Judge

On December 5, 2005, Magistrate Judge Wallace Capel, Jr. issued a Report and Recommendation (“R & R”) recommending that the Court grant in part Plaintiff Debra A. Lesniak’s motion for summary judgment, deny the Defendant Commissioner of Social Security’s motion for summary judgment, and remand this case to the Defendant Commissioner for further administrative proceedings. Neither party has filed objections to the R & R.

Having reviewed the R & R, the parties’ underlying cross-motions, and the administrative record, the Court concurs in the Magistrate Judge’s analysis, and adopts

the R & R in its entirety. In particular, the Magistrate Judge correctly observes that the decision of the Administrative Law Judge (“ALJ”) fails to comport with the agency regulation calling for “good reasons” to be given for the weight assigned to a treating physician’s opinion. 20 C.F.R. § 404.1527(d)(2); see also Wilson v. Commissioner of Social Security, 378 F.3d 541, 544-45 (6th Cir. 2004). Here, the ALJ failed to indicate the weight he had given to the opinions of Plaintiff’s treating physician, Dr. James F. Stoddard, much less provide any explanation for this determination. Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge’s December 5, 2005 Report and Recommendation is ADOPTED as the ruling of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that Plaintiff’s motion for summary judgment is GRANTED IN PART, and that Defendant’s motion for summary judgment is DENIED.

s/Gerald E. Rosen

Gerald E. Rosen
United States District Judge

Dated: March 31, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 31, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager